

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 3:19-00140

TYSON DAVIS SR.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Tyson Davis Sr.'s (Defendant) Second Motion to Return Seized Property. ECF No. 101. In this Motion, Defendant requests any non-contraband or forfeitable property be returned to him, including the money seized on August 8, 2018, April 17, 2019, and on or about July 31, 2018, in addition to certain electronics. *Id.*

In its response, the Government notes that Defendant's plea agreement, which was accepted by the Court on May 18, 2021, addressed the abandonment of the money seized on August 8, 2018, and April 17, 2019. ECF No. 90, ¶ 5. Further, the \$7,490 seized by the Huntington Police Department on July 31, 2018, was administratively forfeited. Thus, the Court has no jurisdiction to consider the Motion as to this sum. *Ibarra v. United States*, 120 F.3d 472, 476–77 (4th Cir. 1997).

The Government did not object to the return of the "17 various electronic devices" and emailed defense counsel about how to proceed to get these items returned.

Therefore, the Court **DENIES** Defendant's Motion. ECF No. 101.

The Court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to counsel and the defendant, the United States Attorney's Office, the United States Probation Office, and the United States Marshals Service.

ENTER: April 5, 2022



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE